

REMARKS

Claims 1, 2 and 14-28 are pending in this Application. Of these claims, claims 1, 2 and 14 are being prosecuted and claims 15-28 have been withdrawn from consideration. By this Amendment, claim 14 has been amended. Support for this amendment can be found, for example, at page 32, lines 16-21. No new matter is added by this amendment. Further this amendment is being made to make clearer the present invention and not for reasons related to patentability.

Applicants also continue to request that upon allowance of any of the product claims, that the claims directed to method of using the claimed product be rejoined.

35 U.S.C. §112, Second Paragraph

Claim 14 was rejected under 35 U.S.C. §112, second paragraph for the reason stated at page 2 of this Office Action.

Without acquiescing in the reason provided for the rejection of this claim, claim 14 has been amended to remove the term "suitable" from the claim. Accordingly, claim 14 now recites that the claimed compound comprises a "carrier" and the claimed polypeptides. Examples of some of carriers that can be used are found on page 32, lines 16-21. Thus, twice amended claim 14 particularly points out and distinctly claims the subject matter that applicants regard as their invention. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

35 U.S.C. §112, First Paragraph, Written Description

Claims 1 and 14 were rejected under 35 U.S.C. §112, first paragraph, because allegedly the instant Specification does not contain a written description of the invention in such full, clear, concise and exact terms or in sufficient detail that one skilled in the relevant art can reasonably conclude that the inventors, at the time the application was filed, had possession of the claimed invention.

Contrary to the stated reasons for support of this rejection, the instant Specification **does provide** an adequate written description of a polypeptide that encompasses a naturally-occurring amino acid sequence having at least 90% amino acid sequence identity to the sequence of SEQ ID NO:1 and that has glutathione conjugating activity. The present application describes how to identify or make the

claimed polynucleotides. Note that claim 1 (from which claim 14 depends), for example, recites not only that the polypeptide "variants" have at least 90% sequence identity to SEQ ID NO:1, but also have "*a naturally-occurring amino acid sequence.*" Through the process of natural selection, nature will have determined the appropriate polynucleotide sequences and the polypeptide sequences encoded therefrom. Given the information provided by SEQ ID NO:1 (the amino acid sequence of GSTS) and SEQ ID NO:2 (the polynucleotide sequence encoding GSTS), one of skill in the art would be able to routinely obtain "a naturally occurring amino acid sequence having at least 90% sequence identity to the amino acid sequence of SEQ ID NO:1" as recited in claim 1. For example, the identification of relevant polynucleotides could be performed by hybridization and/or PCR techniques that were well-known to those skilled in the art at the time the subject application was filed and/or described throughout the Specification of the instant application. See, *e.g.*, Example V at pages 46-48 and Example VI at pages 48 to 49. Thus, one skilled in the art need not make and test vast numbers of polynucleotide sequences that are based on the amino acid sequence of SEQ ID NO:1. Instead, one skilled in the art need only screen a cDNA library or use appropriate PCR conditions to identify relevant polynucleotides/polypeptides that already exist in nature. Moreover, once a candidate polypeptide is identified, its activity can be tested, *e.g.*, using the assay set forth in Example X on page 50. Accordingly, the instant Specification does contain a written description of the invention as recited in claim 1 in sufficient detail that one skilled in the relevant art can reasonably conclude that the inventors, at the time the application was filed, had possession of the claimed invention. Therefore, reconsideration and withdrawal of this rejection to the claims are respectfully requested.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that the present application is fully in condition for allowance, and request that the Examiner withdraw the outstanding rejections. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact Applicants' Attorney at (650) 855-0555.

Please charge Deposit Account No. **09-0108** in the amount of **\$110.00** as set forth in the enclosed fee transmittal letter. If the USPTO determines that an additional fee is necessary, please charge any required fee to Deposit Account No. **09-0108**.

Respectfully submitted,

INCYTE CORPORATION

Date: 28 May 2003

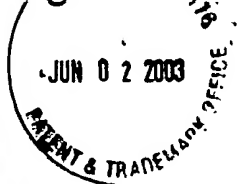


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 14 has been amended as follows:

14. (Twice Amended) A composition comprising [the] a polypeptide of claim 1 [in conjunction with] and a [suitable] carrier.